



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Intergovernmental, Recreation and Cultural  
Affairs Committee**

February 15, 2006  
9:30 AM  
Commission Chamber

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Commission Auditor

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**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor**

**Legislative Analysis**

**Intergovernmental, Recreational and Cultural Affairs Committee  
Meeting Agenda**

**February 15, 2006**

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

**Item Number(s)**

2A	2C
2E	2K

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:

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**LEGISLATIVE ANALYSIS**

*RESOLUTION URGING THE FLORIDA LEGISLATURE TO ADOPT INTO LAW LEGISLATION THAT WILL PROVIDE ANNUAL DEDICATED FUNDING IN THE AMOUNT OF \$50 MILLION DOLLARS TO THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY (SFRTA)*

Bruno A. Barreiro

**I. SUMMARY**

This Resolution urges the Florida Legislature to enact legislation that would provide a dedicated funding source, of “at least” \$50 million annually, to the South Florida Regional Transportation Authority (SFRTA).

**II. PRESENT SITUATION**

Currently, the SFRTA operates a commuter rail service from Magnolia Park, in Palm Beach County, to Miami International Airport in Miami-Dade County. There are 18 stops along the route.

The SFRTA is in the final phase of completing construction on a “Double Tracking” project that would allow for 20 minute service in both North and Southbound routes. In FY 2005-2006, the SFRTA received its final installment of an over \$100 million grant from the Federal Government for this project.

The SFRTA has been lobbying for a dedicated funding source for future expansion of the line North to Jupiter and along multiple routes into Miami-Dade County.

Some of the future routes being discussed are:

- Central Broward East-West Transit
- Dolphin Expressway Extension
- Florida East Coast Railroad Corridor
- Jupiter Extension
- Kendall Extension
- Scripps Extension

The SFRTA has been in negotiations with the Florida East Coast Railroad to discuss use of the right-of-way along an 80 mile portion of the railroads current line that runs along the eastern most portions of Palm Beach, Broward, and Miami-Dade Counties. Some estimates for the land purchase alone of this corridor are in the area of \$1 billion.

The legislation that created the SFRTA outlined certain funding requirements of the three (3) counties represented by the SFRTA (Miami-Dade, Broward, and Palm Beach).

These requirements were sought to help cover the annual deficit incurred by the SFRTA.

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These funding amounts were broken into two parts:

- Capital Funding - \$2.67 million per county.
- Operating Subsidy – “no less than” \$1,565,000 per county.

Below is a chart outlining Miami-Dade County’s recent contributions to the SFRTA:

Fiscal Year	Operating Subsidy	Capital Contribution	Total Contribution from County	Amount Over State Requirement
2003-2004	\$1,980,000	\$2,670,000	\$4,650,000	\$415,000
2004-2005	\$2,206,333	\$2,670,000	\$4,876,333	\$641,333
*2005-2006	\$2,273,000	\$2,670,000	\$4,943,000	\$699,000
Totals to Date			<b>\$14,469,333</b>	<b>\$1,755,748</b>
**2006-2007	\$4,159,000	\$2,670,000	\$6,829,000	\$2,594,000

\* Proposed in MDC Budget

\*\* Proposed in SFRTA Budget

In recent years, the legislature has rebuked other attempts to establish a dedicated funding source for the SFRTA. One of the most recent ideas was a \$2.00 fee assessed on a vehicle license tag registration or renewal.

However, the fees could only be implemented through a vote of each County’s Commission.

The legislature has indicated, in the past, that legislation would not move forward with the \$2 fee.

Instead the legislators are discussed utilizing Local Option Gas Tax (LOGT) funds from each County to fund the Authority’s projects. **(This would affect the financing of our Peoples Transportation Plan (PTP)).**

### III. POLICY CHANGE AND IMPLICATION

Without a dedicated funding source, the SFRTA would not be able to compete for Federal Matching Grants offered for expansion of transportation services.

Concerns, however, have been raised that providing this funding source would enable the SFRTA to compete against each individual county for sought after Federal ‘New Starts Funding’.

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### **IV. ECONOMIC IMPACT**

This urging alone would not have a direct fiscal impact on Miami-Dade County.

Conceivably, if the SFRTA did receive a dedicated funding source, the Authority would not need the annual subsidies currently required of the three counties.

### **V. COMMENTS AND QUESTIONS**

Some of the future routes proposed by the SFRTA, in Miami-Dade County, could replace routes identified in the PTP. This could alleviate the need for the County to fund and manage the construction.

However, requests for funding of these routes could compete directly with the County's federal requests for other projects listed in the PTP.

**Attachment 1 :** November 2004 article related to increased tag fee.

**Attachment 2:** February 2006 article related to Federal Funding for South Florida projects.

Attachment 1

**Sun Sentinel**

# Higher tag fee may improve commuting

November 7, 2004

Would you be willing to pay up to \$5 more when you renew your license tags to help commuters one day zip down Glades Road or Okeechobee Boulevard in an express bus or take Tri-Rail north to Jupiter?

County commissioners from Palm Beach, Broward and Miami-Dade counties are planning to make the tag fee one of their legislative priorities for the 2005 session.

They want to ask legislators to approve a \$2 to \$5 license tag fee that would be used to raise matching money to secure federal funding for regional transportation projects in South Florida.

A \$2 fee, for example, would raise about \$8 million that would net about \$56 million a year in federal money, county officials say. A \$5 fee could raise up to \$20 million to pay not only for transit improvements but also cover the three counties' annual cost to operate Tri-Rail.

The three counties' annual share of those costs is expected to rise to \$12 million when Tri-Rail doubles the number of weekday trains and provides service every 20 minutes at rush hour.

A dedicated source of local funding is necessary to qualify for huge federal grants necessary to pay for a \$7.4 billion expansion plan to expand bus and commuter rail service in the three counties.

The South Florida Regional Transportation Authority already has said no to the idea of a tag fee, but might be willing to revisit its decision in light of the decision of the three county commissions.

Interestingly, it was the three county commissions that balked at asking the Legislature for the tag fee earlier this year when the RTA's board of directors toyed with the idea.

Local officials had wanted the tag fee when the RTA was created in 2003, but the anti-tax Legislature forced them to fund the RTA from existing revenue.

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## Attachment 2

Sun Sentinel

### S. Florida gets little as Bush cuts domestic programs, boosts military spending

Feb. 7, 2006

WASHINGTON · While seeking a substantial \$233 million for the Everglades, President Bush proposed an austere budget on Monday that would provide relatively little money for South Florida projects while urging Congress to scale back Medicare and a host of other domestic programs.

The \$2.77 trillion budget calls for cutting or eliminating 141 federal programs -- an attempt to control spending and cut the deficit in half.

The budget, in effect the president's wish list, reflects Bush's priorities by proposing a big boost for defense and national security spending. Noticeably absent this year is the usual long list of earmarked local projects in Florida and other states.

No funds were proposed for Tri-Rail this year, and future funding will be hard to get, predicted John Cline, Tri-Rail's lobbyist. The budget boosts light rail projects in Fort Lauderdale and Miami, but contains virtually nothing for Palm Beach County.

"The president is primed to tighten up the budget, obviously," said U.S. Rep. Clay Shaw, R-Fort Lauderdale. "A lot of the little pet projects are going to have to wait or fall by the wayside."

Congress could ignore the president's requests, but a mood of fiscal restraint has settled into the Capitol. "If we are serious about getting rid of earmarks, we may have to go through a few dry years to get our budget back in balance," Shaw said.

Proposed changes to Medicare could affect more Floridians than any other part of the budget. Health care providers protested Bush's call to cut back on increases they would receive from Medicare and the federal-state Medicaid program.

Bush proposed reducing Medicare spending by \$36 billion over five years, mostly by trimming reimbursements to hospitals, home-health agencies and nursing homes. That's less than 1 percent of projected spending, but South Florida experts fear such a change would strain an already burdened system.

"Many hospices are going under because they don't get enough reimbursement, and there's a growing need for hospices," said Jaime Estremera-Fitzgerald, chief operating officer for the Area Agency on Aging Palm Beach/Treasure Coast. "Cuts would reduce beds and put more elders on a waiting list. This is going to tighten the belt so much more it is going to hurt our elders."

Area veterans also bristled about the president's proposal to charge higher medical fees from higher-income veterans without service-related injuries. The Veterans Administration's \$8 prescription drug co-payment would jump to \$15, and patients

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would have to pay a \$250-per-year enrollment fee for VA care.

"That's a little exorbitant," said veteran Ray Croul of Boca Raton. "I only go there once or twice a year. If they were going to charge \$250, it wouldn't be worth it for what I get. I certainly couldn't afford to go."

Everglades restoration fared well amid the budget gloom.

The massive re-plumbing project in a politically vital state -- which has become a national symbol of environmental preservation -- would get \$233 million in the fiscal year that starts in October, about \$12 million more than Congress approved for this year.

That includes \$48 million for a "modified water delivery project" to allow more water to flow under Tamiami Trail to nurture Everglades National Park.

"I'm pretty optimistic," said April Gromnicki, assistant director of government relations for Audubon in Washington, who formerly headed its Florida office. "The recent past tells us Congress will defer to the president's recommendations on the Everglades. It's a lot of construction funding. Everybody is going to have to make the case on Capitol Hill and bring the funding home."

Other winners in the budget were rail projects in South Florida: \$1 million for a Fort Lauderdale downtown rail link, \$2 million for a Miami streetcar project and \$10 million for extension of Miami-Dade County's Metrorail.

Tri-Rail, a perennial item in past budgets, already has received its federal share of more than \$100 million for a double-tracking project designed to create more frequent and reliable commuter-train service, said lobbyist Cline.

That work is expected to be completed in the spring of 2007.

Federal help for future projects, such as a Jupiter extension, will be harder to obtain because Uncle Sam now insists that transit systems come with a dedicated source of local funding, such as a sales tax.

"They've gotten burned in other cities where financing was insufficient at the end of the day. They are very cautious now," Cline said. "It's a bad combination of insufficient revenue at the federal level and very high demand from all parts of the country."

*Staff Writer Bob LaMendola contributed to this report.*

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ADDITIONAL INFORMATION

<u>Item#</u>	<u>Subject Matter</u>	<u>Comments/Questions</u>
2C	Urging the U.S. Dept. of Homeland Security to preserve Temporary Status for illegal migrants	<ul style="list-style-type: none"><li>• The Department of Homeland Security wants to end the special immigration status that has allowed some 300,000 illegal Salvadoran, Honduran and Nicaraguan migrants to remain in this country</li><li>• Temporary Protective Status (TPS), which bars the deportation of illegal migrants from those countries, was approved for Nicaragua and Honduras after Hurricane Mitch struck those countries in 1998, and for El Salvador after earthquakes in 2001 killed more than 1,000 people and destroyed more than 220,000 homes.</li><li>• TPS was intended to allow illegal migrants from these countries to stay in the U.S temporarily to soften the blow of natural disaster</li><li>• TPS renewals (usually for 18 month periods) have been routine process for the Central Americans</li><li>• Many underdeveloped countries rely heavily on remittances sent by their citizens working in the U.S.</li><li>• Current policy requires the Federal government to make a formal announcement on TPS 60 days before its expiration—in July 2006 for Nicaragua and Honduras and in September 2006 for El Salvador.</li><li>• See attachment</li></ul>

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2E	Urging the Florida Legislature to appropriate land acquisition funds for the Biscayne Bay Coastal Wetlands Project	<ul style="list-style-type: none"> <li>• This resolution urges the Florida Legislature to appropriate land acquisition funds for the Biscayne Bay Coastal Wetlands Project</li> <li>• The Biscayne Bay Coastal Wetlands Project which is part of the Comprehensive Everglades Restoration Plan is designed to re-hydrate the fresh and saltwater wetlands in Miami-Dade County by acquiring wetlands and preserving them in their natural state</li> <li>• Maintaining a healthy Biscayne Bay allows continued support to tourism, fishing and recreation for Miami-Dade County</li> <li>• The President's Budget Proposal this year offers Florida an increase of \$27 million over the current budget for Everglades Restoration.</li> <li>• The U.S. Department of Interior will receive \$23 million less for land acquisition, a key component in Everglades restoration.</li> </ul>
2K	Revisiting Policy toward Haitian migrants who flee Haiti seeking political asylum	<ul style="list-style-type: none"> <li>• Urging President Bush, U.S Senate and U.S House of Representatives to revisit policy toward Haitian immigrants who flee Haiti seeking political asylum in the U.S.</li> <li>• Per executive order dating back to late 1970, Coast Guard Officials are not encouraged to elicit asylum claims when they come across migrants at sea, regardless of their origin.</li> <li>• Coast Guard officials only call on an asylum officer if migrants meet a criteria referred to as the "shout test" where the migrants aggressively insist they fear for their lives, showing proof of persecution (scarred skin or documented abuse).</li> <li>• In 2005, there were 1,850 Haitians interdicted at sea, nine (9) were granted preliminary interviews and only one (1) is known to have received refugee status.</li> <li>• Supporters of the current policy maintain that inviting asylum claims at sea would encourage more migrants to risk a potentially deadly crossing.</li> <li>• See attachment</li> </ul>

Posted on Tue, Jan. 17, 2006

**IMMIGRATION**

## **Thousands may lose special U.S. status**

**Salvadorans, Nicaraguans and Hondurans living in the United States could have their Temporary Protected Status revoked, meaning they could be deported if they didn't go underground.**

BY PABLO BACHELET

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**WASHINGTON** - The Department of Homeland Security wants to end the special immigration status that has allowed some 300,000 illegal Salvadoran, Honduran and Nicaraguan migrants to remain in this country, many of them in Florida, Bush administration officials say.

But the final decision on the Temporary Protected Status for the three nations, which would force those migrants to return home or remain here illegally and risk deportation, still is under intense debate within the administration, the officials add.

TPS, which bars the deportation of illegal migrants from those countries, was approved for Nicaragua and Honduras after Hurricane Mitch struck them in 1998, and for El Salvador after earthquakes there in 2001 killed more than 1,000 people and destroyed more than 220,000 homes.

TPS was intended to allow illegal migrants from these countries to stay in the United States temporarily and thereby soften the blow of the natural disasters. But today these poor countries rely heavily on remittances sent by their citizens working in the United States.

In the past, TPS renewals -- usually for 18-month periods -- have been almost routine for the Central Americans. But the mood in the administration and especially in Congress has been changing on immigration issues, as evidenced by the House passage of a bill last year that toughens border controls and cracks down on companies that hire illegal migrants.

### **EXTENSION SOUGHT**

Salvadoran President Tony Saca has been calling President Bush and other top officials in an effort to win another extension of TPS, officials said.

Across the nation, more than 220,000 Salvadorans, 70,000 Hondurans and 3,600 Nicaraguans could be forced to leave or go underground if TPS is removed, according to DHS numbers. The 2000 census showed Florida had 80,000 Nicaraguans, 41,000 Hondurans and 21,000 Salvadorans, almost all in South Florida, though there's no data on how many are illegal migrants.

The number of Central American beneficiaries of TPS has been declining gradually as they marry U.S. citizens, return home or find employers to sponsor a more permanent status, DHS data shows.

The Bush administration must make a formal announcement on TPS 60 days before its expiration -- in July for Nicaragua and Honduras and in September for El Salvador -- although a decision could come before spring.

One senior administration official involved with Latin American issues said that DHS officials he described as "criminal justice types" have decided that TPS for the Central Americans must end.

"It's a decision that can yet be changed, but really it's almost at the last stages," the official said. He and other administration officials interviewed for this story requested anonymity because of the sensitivity of the issue.

Another official said some government members want to keep TPS or devise "an exit strategy" that would end the program but look for ways to avoid the public relations nightmare of having thousands of Central Americans being deported. DHS is still consulting with State Department and other U.S. agencies before making a final decision, officials added.

The case of El Salvador is emblematic because it is the biggest beneficiary of TPS and a loyal U.S. ally. It is the only Latin American nation that continues to contribute troops in Iraq. Not getting TPS renewed would be a major blow for Saca, who is facing legislative elections in March. Almost two million Salvadorans living in the U.S. send almost \$2.5 billion back home in remittances, a lifeline for the country's economy, according to the Inter American Development Bank.

Last year, the Salvadoran embassy hired the law firm of Greenberg Traurig LLC to lobby on its behalf on immigration matters. The Salvadoran embassy did not return calls seeking comments.

On Friday, Saca talked with Bush about trade and immigration issues, but apparently did not get a firm commitment on TPS. Bush "listened carefully and reaffirmed our continued focus on an approach that combines reasonable border enforcement with a temporary worker program," said White House spokesman Scott McClellan.

## **WHAT CRITICS SAY**

Critics say it is hard to argue for continually renewing TPS for a nation like El Salvador while denying it to Pakistan -- where 80,000 were killed in an earthquake last year -- or Colombia, where almost 3,000 die every year from a long-running civil war. Both are asking for TPS benefits.

DHS has already been showing signs of taking a harder line on El Salvador, the biggest source of illegal migrants after Mexico. In November, DHS persuaded the Department of Justice to file a motion to end the so-called Orantes injunction, a requirement put in place during the Central American wars of the 1980s, that Salvadorans caught trying to enter the United States illegally must have a hearing before an immigration judge before they can be deported.

## Coast Guard told not to encourage asylum claims by Haitian migrants

By Ruth Morris

January 19, 2006

Hiding in a storage closet in the belly of a boat from Haiti, Deliste Joseph didn't have enough room to lie down, so he stood or sat for 11 days, lurching toward South Florida.

But Joseph, 23, might count himself among a lucky few, immigration lawyers say. By reaching U.S. soil in May 2004, at least he was able to apply for political asylum and to argue his case, which is pending before an immigration judge.

If the Coast Guard had caught him at sea, the overwhelming chances are he would have been returned to Haiti without any such hearing.

That difference is making immigrant advocates increasingly angry, particularly with national elections expected in Haiti in early February. The vote could bring more bloodshed, impelling more Haitians to leave.

In the most recent wave of political instability, the Coast Guard intercepted 3,229 Haitians in fiscal 2004, when an armed revolt forced the ouster of President Jean-Bertrand Aristide. The Coast Guard and immigration enforcement agencies have bolstered their vigilance in recent years with cutters and surveillance planes and only a trickle of Haitians get through.

A key part of the problem, advocates say, is that Coast Guard officials are instructed in a longstanding executive order not to encourage or elicit asylum claims when they come across migrants at sea. Nor can Coast Guard officials initiate interviews that might determine whether a Haitian has a claim to refugee status in the United States. Almost all Haitians interdicted at sea are returned immediately to their volatile homeland.

The policy prompted Marleine Bastien, vice chairwoman of Miami's Haitian-American Grassroots Coalition, to file an affidavit two months ago with the Organization of American States, a diplomatic body that has promoted democracy in Haiti.

She said Coast Guard officials genuinely are concerned for Haitians' well being.

"Safety is their primary role but their hands are tied," she said. "They are given orders they have to follow."

Coast Guard Commander Peter Brown confirmed last week that under a policy that dates to the late 1970s, his agency does not ask boat migrants if they need protection, regardless of their country of origin.

He said, though, that Coast Guard officials call on an asylum officer if migrants aggressively insist they fear for their lives, a standard that rights advocates refer to as the "shout test." It usually involves showing proof of persecution, such as scarred skin, or documentation of abuse.

"We don't actively elicit asylum claims from migrants of any nationality, but if those kinds of statements or fears are manifested, the Coast Guard is directed and will assure that migrant has an opportunity to communicate to an asylum pre-screening officer," he said.

Cheryl Little, of the Florida Immigrant Advocacy Center, said the situation was compounded by the fact that Coast Guard cutters patrolling the waters between Haiti and Florida usually do not carry asylum officers.

This leaves Coast Guard officials, many of whom do not speak Creole, to decide unaided whether Haitian boat migrants can talk to an asylum prescreening official, by phone or radio, to plead their case.

Brown acknowledged asylum experts were rarely on board cutters that intercept Haitians, but he said the cutter patrolling closest to Haiti carried a Creole-speaking officer.

Immigrant advocates point to statistics to support their claim that authorities aren't properly screening Haitians. Of the 1,850 Haitians interdicted at sea in fiscal 2005, only nine were granted preliminary interviews to see if they had a legitimate fear of returning to their homeland, according to figures supplied to Rep. Kendrick Meek, D-Miami.

Of those nine, only one is known to have received refugee status.

Supporters of the current policy, meanwhile, say that inviting asylum claims at sea would encourage more migrants to risk a potentially deadly crossing.

"The message that would send is tantamount to a clarion call to this dangerous migration," said John Keeley, spokesman for the Center for Immigration Studies, a Washington, D.C.-based think tank in favor of tighter immigration policies. "The good men and women of the Coast Guard have enough on their plate."

Joseph's lawyer, Andre Pierre, said his client, with no scars and no documents, surely would have failed the shout test if he had been caught at sea. He thinks Joseph's case is typical of many Haitians who are turned back.

Joseph is asking for political asylum based on claims that political opponents murdered his father, Deika, who was a member of Aristide's Lavalas movement. After the slaying Joseph learned from neighbors that armed thugs were circulating his picture and trying to track him down. He went into hiding and was wearing the same clothes when he arrived in Fort Lauderdale. His pockets were empty.

Today, he lives near Fort Myers and is looking for work laying carpet.

"If he had been interdicted at sea, he would have been sent back to Haiti immediately and probably he would have been killed by the same people who killed his father," Pierre said. "You know what the statistics don't tell you?" he said, and answered, "How many [repatriated migrants] were found later, on the streets, dead. We don't have that number."